

DATE: 1/24/2008 CASE NUMBER: 08-15146-001M-SD

CLOSED

**PLEA/SENTENCING MINUTES**

USA vs. Rogelio Martinez-Castro

U.S. MAGISTRATE JUDGE: JAY R. IRWIN Judge #: 70BK

U.S. Attorney \_\_\_\_\_ INTERPRETER REQ'D Marcia Resler

LANGUAGE: Spanish

Attorney for Defendant Juan Rocha (AFPD)

DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☐ RELEASED ☒ CUSTODY

DOA 1/23/08

☒ Complaint Filed

☒ Appointment of counsel hearing held

☐ Financial Afdvt taken

☒ No Financial Afdvt taken

☐ Financial Afdvt sealed

☒ Initial Appearance

**DETENTION HEARING:**

☐ Held ☐ Cont'd ☐ Reset ☐ UA

Set for: before:

☒ Defendant ordered temporarily detained in the custody of the United States Marshal

☐ Defendant ordered released (see order setting cond of rel) ☐ Bail set at \$ \_\_\_\_\_

☐ Defendant continued detained pending trial ☐ Flight Risk ☐ Danger

**PLEA HEARING:**

☒ Held ☐ Cont'd ☐ Reset

Set for: before:

☐ Consent to be tried by a Magistrate Judge signed ☐ Class A Misd ☐ Class B Misd ☐ Class C Misd

☐ Consent of Defendant ☐ Information filed \_\_\_\_\_ ☐ Complaint filed \_\_\_\_\_

☒ Defendant sworn and examined by the Court ☒ Plea of Guilty ☐ Not Guilty ☒ Entered to Counts TWO

☐ Defendant states true name to be \_\_\_\_\_. Further proceedings ORDERED in defendant's true name.

☒ Plea of Guilty entered as to Ct(s) TWO of the ☐ Information ☐ Indictment ☒ Complaint

☐ Court recommends/or accepts defendant's plea and finds plea to be freely and voluntarily given.

☐ Plea agreement: ☐ Lodged ☐ Filed ☐ Sealed

☒ Court does not accept defendant's plea of guilty because defendant could not establish factual basis.

☐ PSI ORDERED ☐ EXPEDITED ☐ PSI waived ☐ Time waived for passage of sentence

☐ Continued for sentence to \_\_\_\_ before \_\_\_\_\_

☐ To be dismissed upon entry of the judgment, Ct(s) \_\_\_\_\_

☐ ORDER vacate trial date/motion hearing/mtns moot

☐ ORDER defendant remain released pending sentence ☐ remanded to USM

**SENTENCING:**

☐ Defendant committed to Bureau of Prisons for a period of \_\_\_\_ ☐ Probation/Supervised Release for \_\_\_\_\_

☐ Special Assessment \$ \_\_\_\_\_ ☐ Fine \$ \_\_\_\_\_ ☐ Restitution \$ \_\_\_\_\_

Other: Status regarding plea and sentence is set for 1/25/08 at 1:00 pm before Magistrate Judge Irwin.

RECORDED: CS

BY: Angela J. Tuohy, Deputy Clerk

# United States District Court

## SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

V.

Rogelio MARTINEZ-Castro

Citizen of Mexico

YOB: 1976

A77 222 263

Illegal Alien

### CRIMINAL COMPLAINT

CASE NUMBER: 08 - 15146 M-SD

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

#### COUNT I

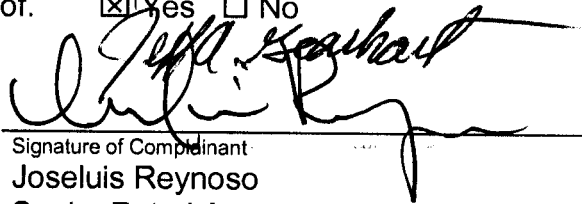
That on or about February 8, 2006, Defendant Rogelio MARTINEZ-Castro was arrested and removed from the United States to Mexico through the port of San Ysidro, California, in pursuance of law, and thereafter on or about January 23, 2008, Defendant was found in the United States near Andrade, California within the Southern District of California, the Secretary of the Department of Homeland Security not theretofore having consented to any reapplication by the Defendant for admission into the United States and after the Defendant had willfully and unlawfully returned and remained in the United States; in violation of Title 8, United States Code, Section 1326 (Felony).

#### COUNT II

That on or about January 23, 2008, within the Southern District of California, Defendant Rogelio MARTINEZ-Castro, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers; in violation of Title 8, United States Code, Section 1325 (Misdemeanor).

Continued on the attached sheet and made a part hereof.

☒ Yes ☐ No



Signature of Complainant  
Joseluis Reynoso  
Senior Patrol Agent

Sworn to before me and subscribed in my presence,

January 24, 2008

at

Yuma, Arizona

Date

City and State

Jay R. Irwin, U.S. Magistrate

Name & Title of Judicial Officer

Signature of Judicial Officer

STATEMENT OF FACTUAL BASIS

Defendant: Rogelio MARTINEZ-Castro

Dependents: None

**IMMIGRATION HISTORY:** The Defendant was last removed through San Ysidro, California on February 8, 2006. The Defendant has been apprehended seven times by the U.S. Border Patrol.

**CRIMINAL HISTORY:** NONE FOUND

Narrative: The Defendant, a citizen of Mexico and illegally within the United States, was encountered by Yuma Border Patrol agents near Andrade, California.

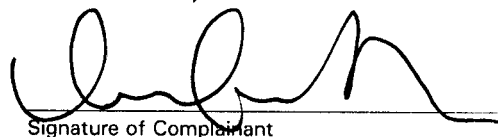
The Defendant was questioned as to his citizenship and immigration status. From that questioning agents determined that the Defendant is an undocumented national of Mexico and illegally in the United States.

The Defendant was transported to the Yuma station for processing. During processing, questioning and computer record checks the above criminal and immigration information was obtained as it relates to this Defendant.

The Defendant last entered the United States illegally without inspection near Andrade, California on January 23, 2008.

Charges: 8 USC§1326  
8 USC§1325

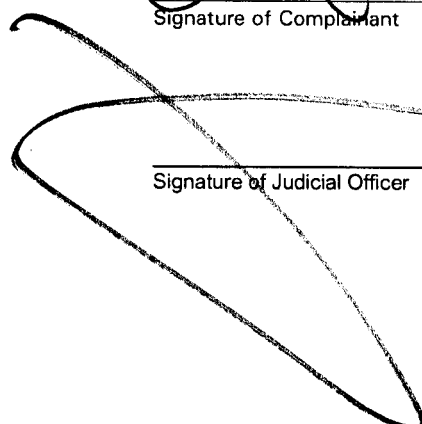
(Felony)  
(Misdemeanor)

  
Signature of Complainant

Sworn to before me and subscribed in my presence,

January 24, 2008

Date

  
Signature of Judicial Officer